

**Minutes
Notice of Regular Meeting
Oneida County Board of Supervisors
Tuesday, April 18, 2017 – 9:30 a.m.
Oneida County Courthouse
County Board Meeting Room - 2nd Floor**

CALL TO ORDER

Chairman Hintz called the meeting to order at 9:30 a.m. in the County Board Meeting Room of the Oneida County Courthouse. There was a brief moment of silence for our troops here and overseas and for 2 tragic incidents involving children in Oneida County. The Pledge of Allegiance followed.

Members Present: Supervisors: Robb Jensen, Jim Winkler, Lisa Zunker, Lance Krolczyk, Billy Fried, Mike Timmons, Bob Metropulos, Mitchell Ives, Jack Sorensen, Alex Young, Tom Kelly, Sonny Paszak, Dave Hintz, Ted Cushing, Alan Van Raalte, Greg Oettinger, Greg Pence, Carol Pederson.

MEMBERS PRESENT: 18

SUPERVISORS EXCUSED: Bob Mott, Scott Holewinski, Bill Freudenberg.

OTHERS PRESENT: Tracy Hartman, County Clerk; Heidi Nehls, Chief Deputy Clerk; Amanda Morgan, student representative; Bridget Billing, student representative; Ellie Lurvey; Karl Jennrich, Planning and Zoning Director; Darcy Smith, Finance Director; Tim Feeley, Howard Young Medical Center; Dan Kirschnik, Marshfield Clinic.

ANNOUNCEMENTS BY CHAIR, CORRESPONDENCE AND COMMUNICATIONS:

- Sign Attendance Form at the Podium
- Please Use Microphones When Speaking

ACCEPT THE MINUTES OF THE MARCH 21, 2017 MEETING.

Motion/Second: Van Raalte/Sorensen to accept the minutes of the 03-21-2017 meeting. All Aye for approval.

Corrections, Additions, Deletions: Greg Pence is not listed in minutes as in attendance, Tom Rudolph needs to be removed.

REPORTS/PRESENTATIONS:

- Administration Committee Report- Please contact the County Clerk's office if you wish to attend a committee that you are not a member. It will be tracked to see if there is a quorum issue with you attending.
- Ellie Lurvey – Sugar Camp School – Speech “Craspedacusta Sowerbyi”.

PUBLIC COMMENT: No comment.

CONSENT AGENDA:

Resolution # 33-2017 offered by the Supervisors of the Administration Committee declaring the Month of April, 2017 to be Fair Housing Month in Oneida County.

APPOINTMENTS TO COMMITTEES, COMMISSIONS AND OTHER ORGANIZATIONS:

Appoint Ted Cushing to the Human Services Board with a term ending April 2020.

Appoint David Hintz to the Human Services Board with a term ending April 2020.

Appoint Paul Spencer, Jr. to the Human Services Board with a term ending April 2020.

Motion/Second: Cushing/Timmons to accept the Consent Agenda as presented. Consent Agenda approved. All “ayes” on voice vote, motion carries.

CONSIDERATION OF RESOLUTIONS & ORDINANCES:

Resolution # 34-2017 offered by the Supervisors of the Conservation and UW-EX Committee urging Wisconsin State Legislatures to return to the \$9.3 million appropriation for state aid to counties.

WHEREAS, the County Land Conservation Department is the necessary local delivery mechanism for a wide range of natural resource management programs including non-point pollution control, reclamation of non-metallic mines, invasive species control, woodland management, lakes protection; and

WHEREAS, the Wisconsin Farm Bureau Federation:

- supports the concept of credit trading and adaptive management between municipalities and the agriculture community to reduce phosphorus discharge
- urges the state to stop the spread of invasive species into Wisconsin
- supports adequate funding to local units of government to implement the nonpoint program, provided that local regulations do not exceed state standards

WHEREAS, the Wisconsin Board of Agriculture, Trade and Consumer Protection acknowledges the counties' statutory role in coordinating and implementing conservation standards at the local level, and supports efforts to ensure that adequate resources are available for counties to do their job; and

WHEREAS, state grants for County Land Conservation staff have decreased since the program began, and

WHEREAS, the Governor's budget has not requested maintenance of the annual average staff funding of \$9.3 million that was included in the pre-recession budgets from 2001 to 2011, thus reducing the funding to \$8 million annually in the 2017-19 budget; and

WHEREAS, the Wisconsin Counties Association (WCA) 2017 statewide policy recognizes the value of the work County Land Conservation Departments provide to Wisconsin citizens by supporting adequate resources to implement maintaining this base level of funding; and

WHEREAS, the inability to adequately fund local, voluntarily accepted conservation practices has led to environmental problems and increasing citizen suits and court decisions against land owners; now

THEREFORE, BE IT RESOLVED, that the Oneida County Board of Supervisors does hereby urge the Governor of the State of Wisconsin, Senator Tiffany, Representatives Swearingen and Felzkowski (f.k.a. Czaja), and all other elected representatives in the Wisconsin State Legislature to return to the \$9.3 million appropriation for state aid to counties, recognizing the invaluable service that county conservation employees provide in preserving the state's land and water resources for future generations.

Approved by the Oneida County Conservation & UWEX Education Committee this 10th day of April, 2017.
Offered and passage moved by: Bob Mott, Alan Van Raalte, James Winkler, Robb Jensen and Kim Simac.

Discussion: Karl Jennrich, Planning and Zoning Director discussed the proposed resolution go to State elected officials. The annual appropriation of state aid to counties years for 2017-2019 will be reduced with an estimated \$10,000 loss per county. Comments from Jensen and Winkler to call your state representative.

Roll Call Vote: 18 Aye, 3 Absent Bob Mott, Scott Holewinski, Bill Freudenberg

Student Representative: 2 Aye

Resolution #34-2017: Adopted

Resolution # 35-2017 offered by the Supervisors of the Administration Committee approving 2016 budget transfers from the contingency fund.

WHEREAS, the Oneida County Board of Supervisors has been advised by the Administration Committee and the County Auditor/Finance Director that the accounts set forth below are overdrawn for the year ended December 31, 2016, and the County Board has determined that a transfer of funds as noted below is necessary to pay claims which have been made or which are anticipated,

WHEREAS, the County Board has expenditures of \$14,326 more than the original budgeted expenditure amount, resulting in a budget deficit of \$14,326, and

WHEREAS, the Central Telephone has expenditures of \$8,314 more than the original budgeted expenditure amount, resulting in a budget deficit of \$8,314, and

WHEREAS, the Wisconsin Statutes require a resolution adopted by the County Board under section 65.90 (5)(b) for the transfer of money for any purpose in excess of funds appropriated; and

WHEREAS, appropriations available in the Contingency Fund were utilized for budgets that were overdrawn but by less than 10% of their budget and approved by the Administration Committee for this purpose, and the accounts below exceeded budgeted amounts by more than 10%.

NOW, THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors authorizes and directs the 2016 budget transfers as listed below:

TRANSFER TO:

1) County Board	\$14,326
2) Central Telephone	\$ 8,314

TRANSFER FROM:

Contingency	\$22,640
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- 1) Legal Fees for Board of Adjustment.
- 2) Expenditures budgeted \$10,000 less than revenues.

Offered and passage moved by: Bob Mott, Billy Fried, Robb Jensen, Ted Cushing and Dave Hintz.

Discussion: Darcy Smith discussed where the 2016 budget was over, and that money is requested from the contingency fund.

Roll Call Vote: 18 Aye, 3 Absent Bob Mott, Scott Holewinski, Bill Freudenberg

Student Representative: 2 Aye

Resolution #35-2017: Adopted

Resolution # 36-2017 offered by the Supervisors of the Administration Committee authorizing budget transfers.

WHEREAS, Section 65.90(5)(a) dictates that appropriations in the Oneida County budget may not be changed unless authorized by a vote of two-thirds of the entire membership of the County Board of Supervisors, and

WHEREAS, the Administration Committee has reviewed and does recommend the 2016 transfers listed below,

NOW, THEREFORE, BE IT RESOLVED, the Oneida County Board of Supervisors authorizes and directs the budget transfers as listed below:

APPLY ADDITIONAL REVENUES RECEIVED TO RELATED EXPENSES

Highway	108,875
Social Services	52
Human Service Center	4,807
Public Health	379
Sheriff	282,391
Solid Waste	69,238

TO APPLY CARRYFORWARD MONEY TO CURRENT YEAR BUDGET

Revolving Loan Fund	140,812
Broadband Program	13,670
Economic Development	90
Forestry	8,500
Highway	284,137
Sheriff	33,024
Solid Waste	111,896

REDUCE BUDGET TO REFLECT REDUCTION IN RELATED REVENUES

Forestry	19
Social Services	5,258
Public Health	1,470

TRANSEER BETWEEN DEPARTMENTS

Planning to Information Technology Services

5,490

Approved by the Administration Committee this 6th day of April, 2017.

Offered and passage moved by: Bob Mott, Billy Fried, Robb Jensen, Ted Cushing and Dave Hintz.

Discussion: Darcy explained this resolution is approved on a quarterly basis, this specific resolution is to close out 2016.

Roll Call Vote: 18 Aye, 3 Absent Bob Mott, Scott Holewinski, Bill Freudenberg

Student Representative: 2 Aye

Resolution #36-2017: Adopted

Resolution # 37-2017 /General Code/O A #2-2017 offered by the Planning and Development Committee amending section 9.70, Highway Setbacks of the Oneida county Zoning and Shoreland Protection Ordinance.

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #2-2017, (copy attached) which was filed March 16, 2017 (copy attached) to amend Section 9.70, Highway Setbacks of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon April 6, 2017 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, the proposed ordinance amendment would allow certain structures closer than twenty (20) feet from the right-of-way; and

WHEREAS, all towns were notified of the proposed changes and provided input; and

WHEREAS, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.70 HIGHWAY SETBACKS (#29-2001, #77-2003)

B. ~~Prohibition Against Locating in Setback~~ EXEMPTIONS

The following structures are exempt from the twenty (20) foot setback to the documented right-of-way of public highways, as specified in 9.70(A)(1).

1. ~~No building, mobile home, structure or part thereof shall be located within a setback area. Provided, however, that this prohibition shall not apply to lines, poles and towers for telephone and power transmission, freestanding directional arrow signs, open fences, or driveways connecting to a public road.~~
1. Public utilities
2. Awnings at least eight (8) feet above the ground or two (2) feet back from the traveled portion of a town, county, state or federal highway shall be permitted in areas zoned Business B-1 or Business B-2 if the agency or municipality holding the highway setback and the town in which the proposed awning is to be located consent. The holder of the highway right-of-way shall be required to provide written consent to the owner of the awning. The awning shall contain no sign or advertisement or obstruct the traffic view.
3. Driveway entrance gates, columns, walls, landscaping structures/designs, and retaining walls provided such structures/designs don't obstruct vision for vehicular traffic entering a public highway.

4. On-premise signs pursuant to section 9.78. Off-premise signs are required to meet the twenty (20) foot setback to the right-of-way of public highways.
5. Open fences pursuant to section 9.74(E).
6. Driveway connecting to a public highway.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #2-2017 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Approved by the Planning and Development Committee this 12 day of April, 2017.

Offered and passage moved by: Scott Holewinski, Billy Fried, Dave Hintz and Mike Timmons.

Discussion: Karl Jennrich discussed revising the ordinance language to exempt certain existing structures from the 20 feet right-of-way. Comments from Cushing, Jensen, Van Raalte and Desmond. Van Raalte proposed to amend line 7 to state Ordinance Amendment #2-2017.

Motion to amend Van Raalte, Second Hintz. Proposed amendment to state Ordinance Amendment #2-2017.

Amendment Roll Call Vote: 18 Aye, 3 Absent Bob Mott, Scott Holewinski, Bill Freudenberg

Student Representative: 2 Aye

Amendment to Resolution #37-2017: Adopted

Roll Call Vote on Amended Resolution #37-2017: 18 Aye, 3 Absent Bob Mott, Scott Holewinski, Bill Freudenberg

Student Representative: 2 Aye

Resolution #37-2017: Adopted

Resolution # 38-2017 /General Code/O A #3-2017 offered by the Planning and Development Committee amending Section 9.26, Business B-1 and B-2 (Districts 6 and 7) of the Oneida County Zoning and Shoreland Protection Ordinance.

WHEREAS, the Planning & Development Committee, having considered Ordinance Amendment #3-2017, (copy attached) which was filed March 16, 2017 (copy attached) to amend Section 9.26, Business B-1 and B-2 (Districts 6 and 7) of the Oneida County Zoning and Shoreland Protection Ordinance, and having given notice thereof as provided by law and having held a public hearing thereon April 6, 2017 pursuant to Section 59.69(5), Wisconsin Statutes, and having been informed of the facts pertinent to the changes which are as follows:

WHEREAS, prior to the comprehensive zoning revision effective May 15, 2000, Oneida County allowed all uses listed in zoning District #3-Multiple Family Residential in Zoning District #6-Business B-1 and Zoning District #7-Business B-2; and

WHEREAS, staff has been allowing permitted, administrative, and conditional uses listed in District #3-Multiple Family Residential in Zoning District #6-Business B-1 and Zoning District #7-Business B-2; and

WHEREAS, staff and the Planning and Development Committee look at the ordinance amendment as a correction; and

WHEREAS, The Planning and Development Committee held a public hearing and individuals testified in support of and provided comments; and

WHEREAS, the Planning and Development committee has carefully studied the proposed changes after listening to comments made at the public hearing and recommends approval.

NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists.

Section 2. This ordinance shall take effect the day after passage and publication as required by law.

Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

Section 4. Chapter 9 of the General Code of Oneida County, Wisconsin, is amended as follows [additions noted by underline, deletions noted by strikethrough]:

9.26 BUSINESS B-1 (DISTRICT 6) AND BUSINESS B-2 (DISTRICT 7)
(#19-2001,83-2003,1-2005 & 28-2005,11-2008, 7-2009, 4-2011)

9.26 A(1) and A(2) remain unchanged

A. BUSINESS B-1 (DISTRICT 6)

3. Administrative Review Uses

- e. a. All administrative review uses of District 3 Multiple Family Residential
- ~~a.~~ b. Any new retail business that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- ~~b.~~ c. Any new office, professional and service establishment customary in a business district that does not have a drive-through or drive-in component and does not have any outdoor operations (other than customer or employee parking)
- d. Multi-tenant use involving an existing building with 4 units or less
- e. Churches, schools, libraries, community buildings and museums

4. Conditional Uses

- a. All the conditional uses of District 3 Multiple Family Residential
- ~~a.~~ b. Any new amusement enterprise such as theaters, bowling and amusement parlors, that do not have a drive-through or drive-in component and do not have any outdoor operations (other than customer or employee parking)
- ~~b.~~ c. Any retail business, office, professional or service establishment that involves a drive-through or drive-in component or has any outdoor operations (other than customer or employee parking)
- ~~c.~~ d. Mall and multi-tenant buildings
- ~~d.~~ e. Hotels, motels, and resorts (with 5 or more units)
- ~~e.~~ f. Any permitted use or administrative review use in this district, which is located on property adjacent to or across the street from a residential district
- f. g. Dog kennel and/or cat boarding facilities
- ~~g.~~ h. Animal shelters, as defined in Wis. Stats. 173.40(c)
- ~~h.~~ i. Wildlife rehabilitation centers pursuant to Wis. Administrative Code NR19 or facilities subject to a federal permit
- ~~i.~~ j. Veterinary clinics or animal hospitals
- ~~j.~~ k. Communication structures located on existing government structures, or on existing sanitary district owned facilities
- ~~k.~~ l. Co-location on a legal pre-existing communication structure
- ~~l.~~ m. Multi-tenant use involving an existing building with 5 units or more
- n. Heliport associated with a licensed health care facility

CHAPTER 9, ARTICLE 10 DEFINITIONS

The following definitions shall apply and control through this ordinance. Words or phrases not defined specifically below but used in this ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this ordinance its most reasonable application.

The following definition is being added

Heliport: An area of land, water, or structure used or intended to be used for the landing and takeoff of helicopters, and including its building and facilities.

The County Clerk shall, within seven (7) days after adoption of Ordinance Amendment #3-2014 by the Oneida County Board of Supervisors, cause a certified copy thereof to be transmitted by mail to the Town Clerks of Oneida County and the Wisconsin Department of Natural Resources.

Approved by the Planning and Development Committee this 12 day of April, 2017.

Offered and passage moved by: Scott Holewinski, Billy Fried, Dave Hintz and Mike Timmons.

Discussion: Karl Jennrich discussed conditional use.

Motion to Amend by Sorensen, Second Van Raalte.

Proposed amendment to state that no heliport/helipad be placed within ¼ mile of an area that is currently zoned single family residential.

Discussion: Sorensen stated this would negatively affect the marketability of homes. Comments from Van Raalte and Jensen. Dan Kirschnik stated there is a pending CUP that includes a proposed Helipad. Comments from Timmons, Fried, Sorensen, Pederson, Cushing, Jensen and Van Raalte. Tim Feely a representative of Howard Young Medical Center discussed the legal meaning of Helipad and Heliport.

Amendment Roll Call Vote: 14 Nay, 4 Aye, 3 Absent Bob Mott, Scott Holewinski, Bill Freudenberg

Student Representative: 2 Nay

Amendment to Resolution #38-2017: Amendment Failed

Motion to Amend by Sorenson, Second Timmons.

Proposed amendment to state that any Heliport must be reviewed and approved by FAA before the start of construction.

Discussion: Desmond stated this may be unnecessary due to language in conditional use permits. Comments from Sorensen, Jennrich, Cushing, Fried, Winkler and Metropulos. Tim Feely discussed Wisconsin Law and Federal regulations as they related to the definition of Heliport. Comments from Jensen, Winkler and Fried. Desmond stated language can be added to the conditional use permit if the county board determined it necessary. Comments from Metropulos, Hintz, Sorensen, Desmond and Tim Feely.

Amendment Roll Call Vote: 6 Aye, 12 Nay, 3 Absent Bob Mott, Scott Holewinski, Bill Freudenberg

Student: 2 Aye

Amendment to Resolution #38-2017: Failed

Resolution #38-2017

Roll Call Vote: 17 Aye, 1 Nay-Jack Sorensen, 3 Absent Bob Mott, Scott Holewinski, Bill Freudenberg

Student: 2 Aye

Resolution: Adopted

NEXT MEETING DATE AND TIME: May 16, 2017@ 9:30 am.

(unless a motion is made to change the starting time).

ADJOURNMENT:

Motion was made to adjourn 10:47 by Ted Cushing and seconded by Alan Van Raalte.

Meeting adjourned at 10:48 am.